

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0583

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

THOMAS GREGORY FERRIS,

Defendant and Appellant.

FILED

DEC 09 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joslyn Hunt, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until March 31, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 9th day of December, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Joslyn Hunt*
JOSLYN HUNT
Chief Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

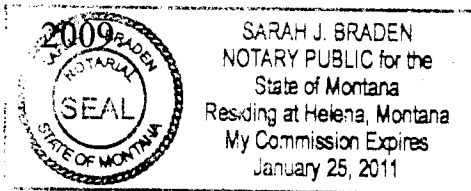
I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.
2. In my capacity as Chief Appellate Defender, I have assigned contract counsel, Robin Meguire, to handle the above-entitled matter.
3. The Appellant's opening brief is due on December 31, 2009.
4. Ms. Meguire has been reviewing the case file and transcripts for Appellant's case, as well as researching potential issues for Appellant's opening brief. Ms. Meguire needs an additional 90 days within which to draft Appellant's brief, as a tragic family emergency has occurred. Due to this emergency, Ms. Meguire cannot meet the present deadline for filing the Appellant's brief.
5. Ms. Meguire will continue to work diligently on this appeal.
6. Opposing counsel has been contacted concerning this motion and does not object.

7. Further your affiant sayeth naught.

Joslyn Hunt
Jeslyn Hunt

SUBSCRIBED AND SWORN to before me this 9th day of December,



Sarah J. Braden
Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

JOHN PARKER
Cascade County Attorney
121 Fourth Street North
Great Falls, MT 59401

THOMAS G. FERRIS 2062213
ALPHA HOUSE
104 N. 31st Street
Billings, MT 59101

DATED: _____

12/9/09  _____